

W. B. Walker, F. T. Roche, Henry E. Shelley, L. Shackelford and I. Stein, of Travis county to be managers of the Texas Confederate Home.

Vas Stick ey, as inspector of hides and animals in Hemphill county, Tex.

Sam E. Dunn, as inspector of hides and animals for Potter county, Tex.

John Temple, as inspector of hides and animals for Hartley county, Tex.

On motion of Senator Clemens the Senate adjourned to 10 a. m. tomorrow.

FIFTIETH DAY.

SENATE CHAMBER.

Austin, March 12, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names.

PRESENT—25.

| | | |
|-----------|------------|----------|
| Atlee, | Glasscock, | Mott, |
| Burney, | Harrison, | Page, |
| Clark, | Johnson, | Pope, |
| Clemens, | Kearby, | Potter, |
| Crane, | Kimbrough, | Seale, |
| Cranford, | Lubbock, | Simkins, |
| Finch, | Mactze, | Tyler, |
| Frank, | McKinney, | Whatley, |
| Garwood, | | |

ABSENT—1.

Townsend.

Prayer by the Chaplain, Dr. Smoot.

Pending the reading of the journal on motion of Senator Kimbrough the further reading of the same was dispensed with.

The following communication was handed to the secretary by the chair, read and with the accompanying document was referred to the committee on State Affairs.

Austin, Texas, March 9, 1891.

To the Senate of the State of Texas:

Gentlemen—I herewith transmit to you copies of a letter and statement addressed by me to Hon. L. S. Ross, Governor of Texas. These papers were placed in the executive office January 16, 1891, and copies of them immediately afterwards placed in the office of the comptroller of public accounts. I place these papers before your honorable body in order that the responsibility for the facts therein stated may be assigned where it belongs. Respectfully,

BETTIE B. BREWSTER.

Senator Crane moved a call of the

Senate, which was ordered. The following Senators answered to their names:

PRESENT—25.

| | | |
|-----------|------------|-----------|
| Atlee, | Glasscock, | Mott, |
| Burney, | Harrison, | Page, |
| Clark, | Johnson, | Pope, |
| Clemens, | Kearby, | Potter, |
| Crane, | Kimbrough, | Seale, |
| Cranford, | Lubbock, | Townsend, |
| Finch, | Mactze, | Tyler, |
| Frank, | McKinney, | Whatley, |
| Garwood, | | |

ABSENT—3.

Carter, Simkins, Stephens,

Senator Clemens moved to excuse Senator Carter indefinitely on account of sickness in his family, which motion prevailed.

On motion of Senator Kimbrough, Senator Stephens was excused for today and yesterday on account of important business.

The following reports were handed in from their respective committees:

COMMITTEE ROOM,

Austin, March 11, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 61, being "An act to repeal exception 3 to article 730, chapter 7, title 8, of the code of criminal procedure of the state of Texas, in relation to persons competent to testify in criminal actions, and to permit to testify in prosecutions for seduction the female alleged to have been seduced."

And find the same correctly enrolled, and have this day, at 10 o'clock a. m., presented the same to the Governor for his signature.

CRANE, Chairman.

COMMITTEE ROOM,

Austin, March 11, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled Bills have carefully examined and compared

Senate bill No. 298, being "An act to authorize and empower the superintendent of the state penitentiaries of Texas to receive from the treasurer of the United States, in the name of the state of Texas, the bounty on sugar raised and manufactured in the state penitentiary convict farms in Texas."

And find the same correctly enrolled and have this day, at 10 a. m., presented the same to the Governor for his signature.

CRANE, Chairman.

COMMITTEE ROOM,
Austin, March 11, 1891.

Hon. George C. Pendleton, President
of the Senate:

Sir—Your committee on Engrossed
Bills have carefully examined and
compared

Senate bill No. 148, being "An act
to provide the manner of collecting
the interest and the sinking fund on
certain bonds held by the school fund
of the State of Texas."

And find the same correctly en-
grossed.

SIMKINS, Acting Chairman.

COMMITTEE ROOM,
Austin, March 11, 1891.

Hon. Geo. C. Pendleton, President of
the Senate:

Sir—Your committee on State Af-
fairs, to whom was referred

Senate Bill No. 345, being "An act
to amend section 2 of an act entitled
an act to provide for the organization
of the state penitentiaries and for the
more efficient management of the
same," approved March 17, 1881,

Have had the same under considera-
tion, and instruct me to report the
same back to the House with the rec-
ommendation that it do pass.

WHATLEY, Chairman.

COMMITTEE ROOM,
Austin, March 11, 1891.

Hon. Geo. C. Pendleton, President of
the Senate:

Sir—Your Committee on Finance to
whom was referred

Senate bill No. 125, being "An act to
provide for the sale and issuance of
manuscript bonds of the State to sup-
ply revenue for redeeming bonds of
the State, past due, and to fall due,
and directing that such bonds shall
be offered for sale to the board of ed-
ucation and comptroller, as an invest-
ment for the permanent school and
other special funds."

Have had the same under considera-
tion, and I am instructed to report the
attached Substitute Senate bill No.
125 to the House with the recommend-
ation that it do pass.

Respectfully submitted,

CLARKINS, Chairman.

Substitute Senate bill No. 125, read
first time.

COMMITTEE ROOM,
Austin, March 9, 1891.

To the Honorable Senate and House of
Representatives:

Your joint committee appointed to
visit and inspect the Southwestern
Lunatic Asylum, located at San
Antonio, beg leave to report:

That your committee left Austin on
the 6th of March and inspected the
grounds and buildings. We find that
the material used and the work done
on the buildings are all first class; the
work has progressed as rapidly as, in
the judgment of your committee, was
safe in a building of its proportions.

We find upon information given
your committee by the architect that
the following omissions in the speci-
fications agreed to by the state were
necessary in order to complete the
building now under construction with
the funds provided in the appropria-
tion for the same.

1. Reduce all ceilings in ward build-
ings to twelve feet in the clear, floor
to ceiling.

2. Reduce first story ceiling of ad-
ministrative building to 13 feet in the
clear, floor to ceiling, and second,
third and fourth stories to 12 feet in
the clear, floor to ceiling.

3. Reduce the thickness of the sec-
ond and third stories outside walls of
ward buildings, from 17 to 13 inches.

4. Reduce the thickness of the
third and fourth stories administra-
tive building, outside walls, from 17 to
13 inches.

5. Omit all stone sill and cap belt-
ings on the ward buildings and the
administrative building, except on the
fronts, and use sills and caps only on
the ends and rear.

Omit corrugated iron ceilings, gal-
vanized iron cornice on inside and iron
centers and arch over wood centers,
plaster on arches in wards and on
lathe work level ceiling in the admin-
istrative building.

7. Omit concrete floor in the corri-
dors and all rooms excavated.

8. Set and space all I beams
throughout each building, 5 feet cen-
ters.

9. Build capping and ornaments to
pediments of galvanized iron instead
of stone.

10. Reduce all windows and doors in
height in proportion to reduction in
ceilings.

11. Glaze window sash with single
strength.

12. Omit all wainscoting in admin-
istrative and ward buildings, except in
halls, corridors and laboratories.

13. Build all outside entrance steps
of hard limestone instead of granite.

14. Return cornice belting around
tower in galvanized iron instead of
stone.

15. Corridor walls between the
building connecting the administra-

tive and ward buildings to be thirteen inches thick.

Which omissions, in the judgment of your joint committee, have not weakened the walls or impaired the value of the building to the State, except the omission of corrugated iron arches between the iron beams, which were left out in division 6 above, also the iron beam being stretched five feet instead of four feet, which it is feared will be too weak, and your committee would recommend that the corrugated arches, as first intended, but left out in the reduction above, be replaced.

Your committee also find that there has been no provision for the building a boiler and engine house, which will be necessary in order that the institution will be in a condition to receive and care for inmates.

Your committee would further recommend the appropriation of sixty-eight thousand dollars for the completion of the buildings for use. For more particular description, see exhibit "A."

Upon the subject of water supply, your committee beg leave to report that, after a thorough investigation and consultation with the best authorities on the subject, we find that it will cost the state to secure water from the city of San Antonio upon an estimated consumption of 20,000 gallons per diem, in round number, \$4,000 per annum.

Your committee also consulted with the best local authorities with the view to ascertaining the probable cost of an artesian well to be sunk on the grounds of the institution, and, after a careful investigation, we beg leave to report that, in the judgment of your joint committee it would be both cheaper and more satisfactory to furnish the water supply for this institution by an artesian well owned by the state. This plan would exempt the state from the inconvenience and lack of water occasioned by any breakage in a water system owned and operated by private individuals and for providing said system the committee recommend the appropriation of six thousand dollars as shown in exhibit "A."

Your committee also took under advisement the lighting of said institution, and after consulting with the best authorities to be obtained and procuring statements as to the approximate cost, should the state pro-

cure the lighting from the San Antonio Gas Company and upon an approximate number of lights necessary for said building and the number of hours necessary to use said lights per day, we find that it will cost the state in round numbers eleven hundred dollars per month, or thirteen thousand two hundred dollars per annum.

Your committee is of the opinion that the State can have much better service and at a much cheaper rate by making, owning and operating its own plant on the grounds of the institution and recommend that the sum of twenty thousand dollars be appropriated for this purpose as shown in exhibit "A".

Your committee would call the attention of your honorable bodies to the fact of a necessary outlay required for heating, cooking and laundrying purposes for the institution. That by an additional investment of ten thousand dollars the State will own and operate its lighting and water service and this will be independent of private individuals who at any time may increase the price indefinitely of this service to the State.

Your committee would further recommend that in view of the fact that the buildings now contracted for and under construction will be completed by December 1, and in order to bring the institution into immediate use, the following appropriation be made to cover the expenses for two months, from January 1 to March 1, 1892, and also for the year beginning March 1, 1892, and ending March 1, 1893. In order to further provide for the efficient use of the institution, your committee would recommend that the Governor be authorized and requested to appoint the superintendent and board of managers for this institution without unnecessary delay.

SALARIES.

| | | |
|--|---------|---------|
| Superintendent | \$1,500 | \$2,000 |
| Assistant Superintendent | 250 | 1,500 |
| Book-keeper, steward and male supervisor | 175 | 1,000 |
| Matron and supervisors | 100 | 600 |
| Engineer and plumber | 600 | 750 |
| Gardener and farmer | 480 | 480 |
| Chief cook | | 480 |
| Assistant cook | 300 | 300 |
| Two cooks | 120 | 120 |
| Baker | | 480 |
| Carpenter and blacksmith | 480 | 480 |
| Two firemen | 200 | 720 |
| Two night watchmen | 200 | 720 |
| Head laundress | | 300 |
| Three laundresses | 200 | 720 |
| Head seamstress | | 300 |
| Two seamstresses | 120 | 480 |
| One skilled nurse | 75 | 300 |
| Sixteen attendants (\$20 per month each) | 960 | 8,840 |

| | | |
|--|-------|--------|
| Two farm hands | 480 | 480 |
| One dairyman..... | 300 | 300 |
| Groceries and fuel..... | 4,500 | 18,000 |
| Transportation..... | 500 | 500 |
| Contingent expenses..... | 100 | 400 |
| Dry goods and clothing..... | 2,000 | 4,000 |
| Medical stores and instruments..... | 700 | 700 |
| Furniture and beds, etc..... | 1,000 | 1,000 |
| Mules, horses, swine, cows, etc..... | 1,200 | 1,200 |
| Expenses of board to Austin..... | | 150 |
| Wagons and harness..... | 500 | 1,125 |
| Tools, seeds and trees | 375 | 375 |
| Clearing, fencing farm and building barn..... | 3,000 | |

All of which is respectfully submitted.

HARRISON,
Chairman.

WEISIGER,
Of Senate.

WURZBACH,
McKINNEY,

Of House of Representatives.

EXHIBIT "A,"

Estimate on boiler house, including kitchen, laundry, clothes room, and different shops, carpenter shops, black smith shop and dry room. The plans present a building 140 feet long, two stories high, brick smokestack 120 feet high, boiler house department to be to be set twelve feet in the ground, the cost of which being estimated at:

| | |
|--|----------|
| First bids received on above..... | \$35,000 |
| Two underground culverts, 460 feet long, 7 feet high, 4 feet wide, brick walls..... | 4,000 |
| Engine, two boilers, pump for water supply, electric lights and drainage..... | 20,000 |
| Corrugated iron forming arches between iron beams left out to bring the amount within the appropriation, and the iron beams being stretched five feet instead of four feet, your committee fearing it would be too weak, and would recommend putting in the corrugated arches as first intended, and the reductions made was..... | 3,000 |
| For artesian well for water supply..... | 6,000 |

Total amount.....\$68,000

The foregoing bill of \$68,000 is required to make the present building ready for occupancy to accommodate 200 patients, all preparation being made for 600 patients. From this on each ward building will cost \$50,000, four more being required to make the asylum complete.

HARRISON, Chairman,
Of Committee of the Senate.

WURZBACH,
McKINNEY,

Of House of Representatives.

Senator Simkins entered the chamber, rendered his excuse, and on motion of Senator Aile was excused.

By request Senator Frank introduced a joint resolution confirming the location of the boundary line established by United States commissioner between No Man's Land and Texas and New Mexico, under an act of congress, approved June 5, 1858.

Read first time and referred to committee on Federal Relations.

Senator Aile offered the following joint resolution:

Whereas, The policy of the war department of our government for several years past has been to reduce the garrisons on the Mexican frontier, and especially that of Fort Brown, situate on the lower Rio Grande, immediately opposite the Mexican city of Matamoras, which is fortified with earthworks, and where the Mexican government usually keeps two regiments of troops, and is the headquarters for a brigadier-general.

And, whereas, said Fort Brown is remote from the points of concentration of forces and under the prevailing policy, the garrison at that point, in the opinion of the people of that section, has been reduced below the minimum necessary to guarantee the proper protection of the lives and property of the inhabitants of that section of these United States, the history of which shows that in 1859 the same policy prevailed and the said garrison was greatly reduced, and thereby that vast territory lying between the forts of Brown and Ringgold left to the mercy of the lawless element, frequently committing thefts of horses and cattle and crimes of violence to persons, and robberies of stores and ranches;

And, whereas, since the reduction of the garrison of said Fort Brown at Brownsville, as aforesaid, the repetition of such offenses were a matter of notoriety as evidenced by the facts that on or about the first day of December, 1890, a large drove of horse stock were stolen and carried away from their range in Cameron county and on or about the 19th day of January ultimo an organized band of robbers derailed, attacked and robbed a train of the Rio Grande railroad company between Brownsville and Point Isabel at a point twelve miles from Brownsville and five from the Rio Grande river, carrying away with them over \$20,000 in money belonging to the merchants, the government and to the United States mails.

And whereas, the said Fort Brown, on the lower Rio Grande, and other points above, as Fort Ringgold at Rio Grande City and Fort McIntosh at Laredo, are regarded as important strategic points on the border,

Therefore, be it resolved by the legislature of the State of Texas, that the attention of the Hon. Redfield

Proctor, secretary of war, be invited to the end that he consider the advisability of increasing the garrison and place in effective condition the post of Fort Brown, and such others as their importance, exposed condition and the protection of the lives and property of the inhabitants thereof may demand.

By Atlee.

Adopted.

Senator Garwood moved that a committee of three be appointed to make arrangements for the reception of the portrait of the late Hon. R. M. Williamson.

Adopted and the chair appointed Senators Garwood, Seale and Clark such committee.

Senator Cranford offered the following bill:

A bill to be entitled "An act for the relief of C. C. Dupree, late sheriff and tax collector of Franklin county, Texas.

Read first time and referred to committee on State Affairs.

Senator Burney offered the following resolution which was unanimously adopted:

Resolved, by the Senate of Texas, that the president of the Senate is hereby requested to transmit to the Hon. John M. Palmer, United States Senator elect from Illinois, the following telegram:

To the Hon. John M. Palmer, United States Senator elect, Springfield, Illinois:

The unanimously Democratic Senate of Texas, rejoicing in the fact that Democratic principles are now and have always been the same in every portion of the union, which mean honesty, purity and integrity in officials, and obedience to the teachings of the constitution, gladly congratulate you your valiant supporters in the legislature, the Democracy of Illinois, and of the entire union on your glorious victory, and hope that the grand work thus begun may be completed by the vote of Illinois in electing a Democratic president in 1893.

Senator Glasscock offered the following resolution:

Whereas, Mr. Geo. W. Brackenridge of San Antonio has given to the university of Texas, at a cost of \$17,000, an elegant and commodious hall, by means of which the cost of living can be brought within the reach of students of limited means; and,

Whereas, This munificent and timely gift is not only of advantage to the

students who avail themselves of it from time to time, but a constant incentive to others to imitate the generous donor in his effort to assist the state in the important work of higher education; therefore,

Resolved, That the thanks of the Senate of the Twenty-second Legislature of the state of Texas, be and are hereby extended to Mr. Geo. W. Brackenridge for his disinterested and patriotic donation to a cause that enlisted in the beginning of our history the careful solicitude of the fathers of the Republic.

Adopted.

Senator Page offered the following resolution:

Recognizing the fact that when the Legislature undertakes to re-apportion the State it should be done carefully and fully, embracing a recasting of all districts for congressmen, judges, senators and representatives, and

Recognizing further that to do this work as it should be done with full justice to all sections concerned and to the State's best interests, will require much time and a great deal of work and investigation, and

Recognizing further that it is not practicable to do this work at this session of the legislature for want of time, and for the further reason that there are measures pending before both branches of the legislature in the enactment of which into laws the people are greatly interested and which will occupy all the time of this legislature, Therefore, be it

Resolved that it is the sense of the Senate that the work of reapportionment should not be undertaken now, but should be deferred and that there should be a called session for this purpose.

Senator Seale offered the following amendment:

Amend by striking out all after the word "undertaken," in thirteenth line, second page of resolution, and insert "at this session of the legislature."

Adopted.

The resolution as amended was adopted.

On motion of Senator Garwood the committee on receiving portrait of Hon. R. M. Williamson was increased from three to five, and the chair appointed Senators Harrison and Cranford as additional members of said committee.

Senator Atlee called up the motion to reconsider the vote passing

House bill No. 325, entitled "An act

to amend an act approved March 25, 1839, being an act to amend an act to redistrict the State of Texas into judicial districts and fix the time for holding court therein and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November 1884. Approved April 9, 1883, and to amend said section 28 of the said act approved February 20, 1885, and to create the Forty-ninth Judicial district, to provide for appointment and election of a district judge and a district attorney therein and to repeal all laws and parts of laws in conflict therewith."

And it was reconsidered.

The bill passed by the following vote:

YEAS—21.

| | | |
|-----------|------------|------------|
| Atlee, | Garwood, | Maetz, |
| Burney, | Glasscock, | McKinney, |
| Clark, | Harrison, | Mott, |
| Clemens, | Joh son, | Pope, |
| Crane, | Kearby, | Seale, |
| Cranford, | Kimbrough, | Tow isend, |
| Frank, | Lubbock, | Tyler. |

NAYS—2.

Finch, Page,

Senator Potter announced that he was paired with Senator Carter. If the latter were present he would vote aye and himself (Senator Potter) would vote no.

We vote "aye" to put the act into immediate effect. It would and has passed once without our votes, but it would not go into effect for ninety days. No good purpose can be subserved by the delay, but much inconvenience would be occasioned thereby, otherwise we would vote no.

CRANE.

TOWNS-ND.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
TWENTY SECOND LEGISLATURE,
Austin, Tex., March 12, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am instructed to inform the Senate that the House has adopted the following concurrent resolution:

Whereas, The gratifying intelligence has reached us that the Hon. John M. Palmer was on yesterday elected by the legislature of the state of Illinois to a seat in the United States Senate, and recognizing his sterling Democracy, his eminent ability and pure patriotism, we congratulate the whole people of the United States on his election.

Therefore be it resolved by the House of Representatives, the Senate concurring, that this Legislature express its thanks to the Legislature of the state of Illinois in the following message:

Austin, March 12, 1891.

To the Honorable Legislature of the State of Illinois:

The legislature of the state of Texas sends greetings and a vote of thanks to the one hundred and one democrats and to Messrs. Cockrell and Moore, for the election of the eminent statesman, gallant soldier and pure patriot, John M. Palmer, to a seat in the Senate of the United States.

SAM. H. DIXON, Chief Clerk,

House of Representatives.

HOUSE OF REPRESENTATIVES,
TWENTY SECOND LEGISLATURE,

Austin, Tex., March 12, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has passed House Joint resolution No 11 "amending article 6, section 2, of the constitution of the State of Texas relating to suffrage"

Ayes 72; noes 28.

And House Joint resolution No. 12, "amending section 20, article 16, of the constitution of the State of Texas," with the attached engrossed rider amendment.

Ayes 80; noes 15.

ORDER OF THE DAY.

Question recurred to the amendment of Senator Burney to section 5 of House substitute Senate bills Nos. 1, 3 and 58, entitled "An act to establish a railroad commission for the state of Texas, whereby discrimination and extortion in railroad charges may be prevented, and reasonable freight and passenger tariffs may be established; to prescribe and authorize the making of rules and regulations to govern the commission and the railroads and to afford railroad companies and other parties adequate remedies; to prescribe penalties for the violation of this act, and to provide means and rules for its enforcement.

The amendment was adopted.

Senator Johnson called up his amendment to section 6, offered yesterday, as follows:

Amend by striking out paragraph "a" in section 6, lines 35, 36, 37, page 6, and it was adopted by the following vote:

YEAS—14.

| | | |
|--------|-----------|---------|
| Atlee, | Garwood, | Potter, |
| Clark, | Harrison, | Seale, |

Crane,
Crauford,
Frank,

Johnson,
Mott,
Page.

Townsend,
Tyler.

NAYS—11.

Burney,
(Clem us,
Finch,
Glasscock,

Kearby,
Kimbrough,
Lubbock,
Matze.

McKinney,
Smkins,
Whitley.

Senator Pope announced that he was paired with Senator Carter. If the latter were present he would vote no and himself (Senator Pope) would vote aye.

Senator Mott offered the following amendment:

Amend section 6 by adding proviso as follows:

Provided, that if the court be in session at the time such right of action accrues, the suit may be filed during such term and stand ready for trial after ten days notice.

Adopted.

Senator Tyler offered the following amendment:

Amend section 5 as amended by adding thereto subdivision A to read as follows:

In any suit between any railway company and any party other than the state if any pleading alleging that any rate, charge or regulation adopted by the commission is unreasonable is filed and on demand or otherwise said pleading shall be allowed by the court to stand as a lawful and proper pleading in the case, all further proceedings in such case shall be then and there suspended and the venue of said cause shall be immediately changed to the proper court in Travis county in the manner provided by law for change of venue in other civil cases and the state of Texas, by the attorney general thereof, shall intervene in such suit for the purpose of sustaining the action of the commission.

Senator Potter offered the following substitute for the amendment:

Substitute Tyler's amendment by striking out all after "action" in line 13, clause 1, section 5, and insert the following: "Shall be held, deemed and accepted to be prima facie, reasonable, fair and just, and such rates, charges, orders, regulations and classifications shall be observed and obeyed by such railways until finally held to be unreasonable in a proceeding directly involving the question of the reasonableness of the same."

Senator Tyler made the point of order that the substitute was not in order, because not germane, that his amendment was intended to perfect the bill, while the substitute was intended to strike out a part of the bill.

Which was overruled by the chair.

Senator Tyler withdrew his amendment.

Senator Kearby offered the following resolution:

Resolved, That the Senate of Texas congratulate Messrs. Moore and Cockrell, representatives of the Farmers' Mutual Benefit Association of Illinois, and of the United States, in casting their votes for the Hon. John M. Palmer for United States Senator.

Resolved further, That in breaking the apparent deadlock, yielding to the acknowledged choice of the people and surrendering their individual preference, they have exhibited to the world that their patriotism is superior to any individual claims, and that the general good is their loftier aim. We congratulate them, the State of Illinois, and the Union in the selection of the choice of the Democracy of Illinois, and indulge the hope that they may always find in the Democratic party, state and national, a true political friend wherein "equal rights to all and special privilege to none" is the motto.

Resolved further, that the president of the Senate be requested to telegraph Messrs. Moore and Cockrell of the action of the Senate and furnish them a copy of this resolution.

KEARBY.

Unanimously adopted by a rising vote.

Senator Pope announced that Mr. Dan Melven, an Iowa Democrat, invited the Senate and its officers to partake of a banquet at 1 o'clock to-day in honor of the election of Hon. John M. Palmer as Senator from Illinois.

Senator Lubbock moved to amend the resolution of Senator Kearby as follows:

That the President of the Senate send the resolution to Messrs. Moore and Cockrell by telegram.

Which was accepted by Senator Kearby.

Adopted unanimously.

The following telegram was sent:

SENATE CHAMBER,

Austin, Texas, March 12, 1891.

Hons. Moore and Cockrell, Legislative Hall, Springfield, Illinois:

The Senate of Texas has adopted a resolution of thanks to you which will be forwarded by mail.

GEORGE C. PENDLETON,
Lieutenant-Governor and President of the Senate.

House joint resolution No. 11 read and referred to committee on constitutional amendments.

House joint resolution No. 12 read and referred to committee on constitutional amendments.

On motion of Senator Crane the Senate adjourned to 3 p. m. this day.

AFTERNOON SESSION.

The Senate met pursuant to adjournment

Lieutenant Governor Pendleton in the chair. Roll called. Quorum present.

PRESENT—24.

| | | |
|-----------|------------|-----------|
| Atlee, | Garwood, | Mott, |
| Burney, | Glasscock, | Page, |
| Clark, | Johnson, | Potter, |
| Clemens, | Kearby, | Seale, |
| Crane, | Kimbrough, | Simkins, |
| Cranford, | Lubbock, | Townsend, |
| Finch, | Maetze, | Tyler, |
| Frank, | McKinney, | Whatley. |

ABSENT—2.

Harrison, Pope,

Senator Seale moved that the Senate take a recess for thirty minutes.

Adopted by the following vote:

YEAS—16.

| | | |
|-----------|------------|-----------|
| Atlee, | Garwood, | Potter, |
| Clark, | Glasscock, | Seale, |
| Clemens, | Johnson, | Simkins, |
| Cranford, | Lubbock, | Townsend, |
| Finch, | Maetze, | Tyler. |
| Frank, | | |

NAYS—6.

| | | |
|---------|------------|----------|
| Crane, | Kimbrough, | Page, |
| Kearby, | McKinney, | Whatley. |

After recess the question recurred to the amendment of Senator Potter to the pending section of the bill under consideration.

The Senate was addressed in opposition to the amendment by Senator Crane.

Senator Garwood moved to adjourn to 10 a. m. tomorrow.

Lost by the following vote:

YEAS—8.

| | | |
|------------|-----------|----------|
| Atlee, | Harrison, | Simkins, |
| Garwood, | Johnson, | Tyler. |
| Glasscock, | Maetze, | |

NAYS—17.

| | | |
|-----------|------------|-----------|
| Burney, | Frank, | Pope, |
| Clark, | Kearby, | Potter, |
| Clemens, | Kimbrough, | Seale, |
| Crane, | Lubbock, | Townsend, |
| Cranford, | McKinney, | Whatley. |
| Finch, | Page, | |

Question recurred to the adoption of the amendment offered by Senator Potter.

(Senator Tyler in the chair.)

Senator Johnson spoke to the amendment.

(President in the chair.)

The amendment of Senator Potter was lost by the following vote:

YEAS—8.

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| Atlee, | Harrison, | Potter, |
| Cranford, | Johnson, | Seale. |
| Garwood, | Page, | |

NAYS—17.

| | | |
|----------|------------|-----------|
| Burney, | Glasscock, | Mott, |
| Clark, | Kearby, | Simkins, |
| Clemens, | Kimbrough, | Townsend, |

Crane,
Finch,
Frank.

Lubbock,
Maetze,
McKinney,

Tyler,
Whatley.

Senator Pope announced that he was paired with Senator Carter. If he were present he would vote no and he (Senator Pope) would vote aye.

Senator Garwood offered the following amendment:

Strike out sections 5 and 6 and insert in lieu thereof

Section 5. All classifications, rates, charges, rules, regulations and determinations made and established by the commission under the provisions of this act, shall be held by all courts and in all proceedings to be prima facie reasonable and just; but any railroad company may in any proceeding against it plead that such classification, rate, charge, rule, regulation or decision made by the commission is unreasonable and unjust to it, and if the truth of such plea be established by competent and satisfactory evidence, the same shall be held to be unreasonable and unjust.

But when any suit brought under this act between the state and any railroad company, any rate, charge, classification, rule, regulation or decision of the commission has finally been held to be reasonable, in all subsequent suits brought by any person, firm or corporation against such railroad, said rate, charge, classification, rule, regulation or decision shall be held to be reasonable until the same shall have been changed by the commission.

In all suits a certified copy or printed copy from the commission of the classifications, rates, charges, rules, regulations and orders of the commission shall be admissible in evidence and sufficient to establish the fact that any charge, rate, rule, regulation, order or classification therein contained, that may be in issue in the trial, is the official act of the commission.

A substantial compliance with the requirements of this act shall be sufficient proof to give effect to all the classifications, rates, charges, rules, regulations, and orders made and established by the commission, and none of them shall be declared inoperative for any omission of a technical matter in the performance of such act.

Senator Kimbrough moved to adjourn to 10 a. m. tomorrow.

Adopted by the following vote:

YEAS—21.

| | | |
|----------|------------|-----------|
| Atlee, | Glasscock, | Pope, |
| Clark, | Harrison, | Potter, |
| Clemens, | Johnson, | Seale, |
| Crane, | Kimbrough, | Simkins, |
| Finch, | Maetze, | Townsend, |

| | | |
|----------------------|--------------------|--------------------|
| Frank, Garwood, | McKinney, Mott, | Tyler, Whatley. |
| | NAYS—4. | |
| Cranford, Kearby, | Lubbock, | Page. |

FIFTY-FIRST DAY.

SENATE CHAMBER.
Austin, March 13, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—28.

| | | |
|------------|------------|-----------|
| Atlee, | Harrison, | Pope, |
| Burney. | Johnson, | Potter, |
| Clark, | Kearby, | Seale, |
| Clemens, | Kimbrough, | Simkins, |
| Crane, | Lubbock, | Stephens, |
| Cranford, | Maetze, | Townsend. |
| Finch, | McKinney, | Tyler. |
| Frank, | Mott, | Weisiger, |
| Garwood, | Page, | Whatley. |
| Glasscock, | | |

ABSENT—None.

Prayer by the Chaplain, Dr. Smoot.

Pending the reading of the journal on motion of Senator Finch the further reading of the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Stephens:

Petition of citizens of Floyd county, praying for the repeal of the law requiring county boundaries of newly elected counties to be run before the surrounding district is established.

Read first time and referred to committee on Counties and County Boundaries.

By Senator Finch:

A bill to be entitled "An act to amend section 41 of an act to establish and maintain a system of public free schools for the state of Texas, and to repeal so much of chapter 3 of title 78 of the revised civil statutes of Texas as refer to public free schools outside of incorporated cities and towns, assuming or having assumed control of their public free schools passed at the special session of the Eighteenth legislature, and also section 42 of said act, as amended by an act to amend sections 36, 42, 43, 50, 56, 61, 62, 63, 66 and 71 of an act passed by the Twentieth legislature."

Read first time and referred to committee on Education.

By Senator Whatley:

Petition of citizens of Marion county, favoring House bill restoring civil jurisdiction to Marion county.

Read first time and referred to committee on Judicial Districts.

By Senator Whatley:

Petition of citizens of Marion county protesting against House bill restoring civil jurisdiction of county court.

Read first time and referred to committee on Judicial Districts.

By Senator Cranford:

Petition of one hundred and fifty ladies of Camp county praying for the enactment of a law raising the age of consent from ten to eighteen years.

Read first time and referred to Judiciary committee No. 2.

The following reports were handed in from their respective committees:

COMMITTEE ROOM.
Austin, March 12, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements, to whom was referred House bill No. 275, being "An act to regulate rates of charges to be made by express companies for the transportation and delivery of all such articles of freight, money, papers or packages of any kind, to require such express companies to promptly deliver the same, and to make all such express companies subject to the control and regulation of the railroad commission of Texas, and to prescribe penalties for the protection of this act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

JOHNSON, Chairman.

COMMITTEE ROOM.
Austin, March 12, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Roads and Bridges, to whom was referred

House bill No. 526, being "An act to create a more efficient road system for the counties of Grayson, Dallas, Galveston, Brown, Comanche, Mills, Fannin, Travis, Hunt, Hill, Collin, Denton, Kaufman, and Fayette, in the State of Texas, authorizing the employment of a road commissioner, defining his powers, prescribing penalties for his failure to perform his du-